

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

FATALITIES

Authorization:

BoD Resolution 2017/08/32

Date:

December 22, 2017

APPLICATION 1: GENERAL

1. *Does WCB pay fatality benefits whenever a worker with a compensable injury dies?*

WCB pays fatality benefits only when the worker’s compensable injury is the cause of death.

For example, if a worker with a progressive work-related disease such as asbestosis dies because of the disease, the worker’s dependants are eligible for fatality benefits. However, if the same worker with asbestosis is killed in an unrelated car accident, the dependants are not eligible for benefits because the cause of death was not related to the work injury.

2. *What fatality benefits does WCB pay?*

Benefits depend on the legislation in effect on the date of accident and whether or not the worker had dependants when he or she died.

If there are no dependants, WCB provides financial assistance with the costs associated with the worker’s death (see Part I, 1.0 and Addendum A at the end of Part II).

If there are dependants, fatality benefits may also include pension benefits, vocational services for the dependent spouse or the dependent adult interdependent partner, and other allowances or services, depending on the circumstances. Some of the circumstances that may affect the type, amount, and duration of benefits and services include:

- the legislation in effect on the date of the worker’s accident
- the worker’s employment earnings
- whether the dependent spouse or the dependent adult interdependent partner is gainfully employed
- whether there are dependent children

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Fatality benefits (continued)

- the health, age, and location of the dependants

In addition to the benefits listed above, when the fatality has a date of accident on or after January 1, 2018, the worker’s dependants or the worker’s estate may be eligible for a lump fatality payment (see Question 3).

For additional policy information about accidents on or after September 1, 2018, see Applications 2 and 3.

For policy information about accidents from January 1, 1982 to August 31, 2018, inclusive, see Applications 4 and 5.

For policy information about accidents from January 1, 1974 to December 31, 1981, inclusive, see Application 6.

For information about benefits for accidents before January 1, 1974, refer to the legislation in effect at the time of the accident.

3. What is the lump sum fatality award and to whom is it paid?

This policy question applies to claims with a date of accident on or after January 1, 2018

The lump sum fatality award is a one-time payment in an amount up to the maximum NELP for the same calendar year as the year of the worker’s death (see Policy 04-04, Part II, Addendum A for maximum NELP amounts). The amount of the lump sum fatality award is offset by the cumulative percentage of any NELP paid to the worker on the same claim and any previous claims with dates of accident on or after January 1, 1995.

The following are examples of how this is applied:

- The worker had received a 5% NELP on a previous, unrelated claim. The worker was eligible for and received a 40% NELP for the current claim, based on his permanent clinical impairment. Two years later,

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*Lump sum fatality award
(continued)*

when undergoing further surgery for the compensable injury, the worker died from complications related to the surgery. The fatality lump sum benefit is 55% of the maximum NELP for the same calendar year as the worker's death (100% minus the 45% NELP previously paid to the worker under the current and previous claims).

- A worker was killed instantly in a compensable motor vehicle accident. As the worker's death was immediate, the worker was not eligible for a NELP. The worker did not receive NELP on any previous claims, so the fatality lump sum will be equal to the maximum NELP for that calendar year.
- A worker was critically injured in a work accident and died from his injuries 45 days later. Because the worker survived more than 30 days following the accident, the worker became eligible for a maximum NELP (see Policy 04-04, Part II, Application 2, Question 3). As NELP is the worker's benefit, it is paid to the worker's estate if WCB is unable to pay the worker before the worker's death. No fatality lump sum is payable as the maximum NELP has already been paid.

The fatality award is paid to:

- the dependent spouse or dependent adult interdependent partner, or
- if there is no dependent spouse or partner, to the worker's dependent children, as defined in the WCA, or
- if the worker left no dependent spouse/partner or dependent children, to the worker's estate.

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(continued)***

If there is more than one eligible dependent child (for example, if the worker left two dependent children and no dependent spouse/partner), the fatality award will be divided equally amongst the eligible dependent children. Fatality awards paid to dependent children under age 18 are paid in trust to the Public Trustee or the person who holds letters of guardianship for the estate(s) of the dependent children.

4. *How are the claim costs of fatal accidents charged to employer accounts?*

WCB calculates the average cost of fatality claims each year and distributes the cost equally amongst the employers who experienced a fatality in that year. For more information, see Policy 07-02, *Experience Records*.

5. *When is this policy application effective?*

This policy application (Application 1 – General) is effective January 1, 2018, except when noted otherwise in a specific policy section(s).

[Document History](#)**Previous versions**

- [Policy 0408 Part II - April 2018](#)
- [Policy 0408 Part II - January 2018](#)
- [Policy 0408 Part II - August 2015](#)
- [Policy 0408 Part II - January 2004](#)
- [Policy 0408 Part II - June 2003](#)
- [Policy 0408 Part II - February 2002](#)
- [Policy 0408 Part II - June 1998](#)
- [Policy 0408 Part II \(consolidated manual 1st Issue\) - February 1997](#)